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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,674	03/30/2001	John Huppenthal		9021

7590 06/28/2004
John Huppenthal
8 Bullmoose Circle
Chandler, AZ 85224

EXAMINER

YOUNG, JOHN L

ART UNIT PAPER NUMBER

3622

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,674

Applicant(s)

HUPPENTHAL, JOHN

Examiner

John L Young

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M.W.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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NON-FINAL ACTION

PRO SE APPLICANT

1. Inventors are not discouraged from prosecuting applications for letters patent; however, lack of skill in this field may serve as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

If applicant continues to prosecute the application pro se, revision of the specification and claims **may continue be required** to present the application in proper form. While an application can be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed.

DRAWINGS

2. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at

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eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

SPECIFICATION OBJECTION

ABSTRACT OBJECTION, PLACEMENT

3. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

CLAIM OBJECTIONS 37 CFR §1.75

(a) The specification must conclude with a claim or claims particularly pointing out and distinctly claiming the subject matter which the Applicant regards as his/her invention or discovery.

4. Claims 1-54 of the instant invention do not particularly point out and distinctly claim the subject matter of the instant invention. The claims must be re-written preferably by a registered patent practitioner, notwithstanding the fact that inventors are not discouraged from prosecuting applications for letters patent. (See Pro Se Applicant note above).

5. Each claim must end with a period, i.e., claims 1-53. (See MPEP 608.01(m)).

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6. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

7. Claims 2-54 recite the limitation "The closure of claim. . . ." There is insufficient antecedent basis for this limitation of "The closure" in the claim.

8. This application is informal in the arrangement of the specification. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the Applicant's use:

Title of the Invention

Cross-References to Related applications

Background of the Invention:

Field of the Invention

Description of the Related Art

Brief Summary of the Invention

Brief Description of the Several Views of the Drawings

Detailed Description of the Invention

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Claims

Abstract of the Disclosure: not to exceed 150 words

Drawings

MIXED CLASS CLAIM REJECTIONS 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-54 are a combination of different classes of claims, i.e., "A process [method] comprised of an [I]nternet web-site . . . [and reciting an] improvement. . . ."; therefore, claims 1-54 are directed to non-statutory subject matter and stand rejected.

CLAIM REJECTIONS 35 USC § 112, SECOND PARAGRAPH

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-54 of the instant invention do not particularly point out and distinctly claim the subject matter of the instant invention. The claims must be re-written preferably by a registered

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patent practitioner, notwithstanding the fact that inventors are not discouraged from prosecuting applications for letters patent. (See Pro Se Applicant note above).

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1-54 are rejected under 35 U.S.C. §103(a) as being obvious over Ferguson US 5,819,092; class 717/113 [cross ref. class 705/39] (Oct. 06, 1998) (herein referred to as ("Ferguson").

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As per independent claim 1, Ferguson (the ABSTRACT; col. 1, ll. 15-67; col. 2, ll. 1-67; col. 3, ll. 40-55; col. 4, ll. 51-67; col. 9, ll. 30-67; col. 12, ll. 33-67; col. 23, ll. 30-67; col. 24, ll. 60-67; col. 27, ll. 1-67; col. 30, ll. 59-65; col. 31, ll. 30-45; col. 34, ll. 10-17; FIG. 7; FIG. 14; FIG. 23; and FIG. 24; and whole document) shows elements that suggest the “process comprised of an [I]nternet web-site with incentives to participate in the [I]nternet web-site activities . . . wherein such incentives are linked by formula to web-site performance . . . wherein the participants are motivated to improve web-site performance. . . .” elements and limitations of claim 1.

Ferguson lacks an explicit recitation of the elements and limitations of claim 1.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Ferguson (the ABSTRACT; col. 3, ll. 40-55; col. 4, ll. 51-67; col. 31, ll. 30-45; and col. 34, ll. 13-17) would have been selected in accordance with the “process comprised of an [I]nternet web-site with incentives to participate in the [I]nternet web-site activities . . . wherein such incentives are linked by formula to web-site performance . . . wherein the participants are motivated to improve web-site performance. . . .” elements and limitations of claim 1, because such selection would have provided means where “*a user may be paid for certain actions.*” (See Ferguson (col. 4, ll. 62-67)).

As per claims 2-54, Ferguson shows the method of claim 1 and subsequent base claims depending from claim 1.

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Ferguson lacks an explicit recitation of the elements and limitations of claims 2-54.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claims 2-54 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 2-54 because such combination would have provided means where *"a user may be paid for certain actions."* (See Ferguson (col. 4, ll. 62-67)).

CONCLUSION

12. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Serial Number: 09/822,674

(Huppenthal)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young

Primary Patent Examiner

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

June 23, 2004